

CALIFORNIA LEGISLATURE, 1963 REGULAR (GENERAL) SESSION

ASSEMBLY BILL

No. 1240

Introduced by Messrs. Rumford, Dymally, Ferrell, Knox, Alquist, Burton, Casey, Crown, Elliott, Foran, Gaffney, Kennick, McMillan, Mills, Moreno, Petris, Song, Soto, Stanton, Warren, and Zenovich

February 14, 1963

REFERRED TO COMMITTEE ON GOVERNMENTAL EFFICIENCY AND ECONOMY

An act to repeal Part 5 (commencing with Section 35700) of Division 24 of, and to add Part 5 (commencing with Section 35700) to Division 24 of, the Health and Safety Code, and to add Section 1419.5 to the Labor Code, relating to discrimination in housing.

The people of the State of California do enact as follows:

- 1 SECTION 1. Part 5 (commencing with Section 35700) of
- 2 Division 24 of the Health and Safety Code is repealed.

LEGISLATIVE COUNSEL'S DIGEST

A.B. 1240, as introduced, Rumford (G.E. & E.). Discrimination in housing.

Repeals Pt. 5 (commencing with Sec. 35700), Div. 24, adds Pt. 5 (commencing with Sec. 35700), Div. 24, H. & S.C. Adds Sec. 1419.5, Lab.C.

Extends present law prohibiting discrimination because of race, color, religion, national origin or ancestry in the selling, renting, or leasing of any publicly assisted housing accommodations to all housing accommodations, except a single-unit dwelling occupied in whole or in part by the owner as his residence.

Extends prohibition against discrimination to financial institutions and real estate brokers and salesmen.

Declares it unlawful for any person to aid, encourage, or compel the commission of any discriminatory acts prohibited by the act or the present law, or to attempt to do so.

Authorizes the State Fair Employment Practice Commission to prevent violations of the act, and establishes a procedure for its investigation and action on complaints of alleged violations.

Authorizes the commission, following the filing of a complaint, to file with the county recorder a notice that it has taken jurisdiction of the complaint relating to the renting or sale of certain property within the county. Provides that this shall be notice to all persons of the alleged violation. Also authorizes commission to bring action in superior court to prevent rental, lease or sale of property until commission completes investigation and makes determination.

Declares it a misdemeanor to interfere with the commission in its performance of duties, or to violate an order of the commission.

1 SEC. 2. Part 5 (commencing with Section 35700) is added
2 to Division 24 of the Health and Safety Code, to read:

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4 PART 5. DISCRIMINATION IN HOUSING

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6 CHAPTER 1. FINDINGS AND DECLARATION OF POLICY

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8 35700. The practice of discrimination because of race, color,
9 religion, national origin, or ancestry in any housing accommoda-
10 tions is declared to be against public policy.

11 In enacting this part, the Legislature finds that, because of
12 discrimination in housing, many persons in this State live in
13 segregated sections under substandard, unhealthful, unsani-
14 tary, and crowded conditions; that these conditions have
15 caused increased rates of crime, disease, fire, and juvenile
16 delinquency in certain sections of this State; and that dis-
17 crimination in housing necessarily results in other kinds of
18 discrimination, such as discrimination in public schools; and
19 that, for these reasons and others, discrimination in housing is
20 incompatible with, and contrary to, the welfare, health, and
21 peace of the people of this State.

22 This part shall be deemed an exercise of the police power of
23 the State for the protection of the welfare, health, and peace
24 of the people of this State.

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26 CHAPTER 2. DEFINITIONS

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28 35710. When used in this part:

29 1. The term "person" includes one or more individuals,
30 partnerships, associations, corporations, legal representatives,
31 trustees, trustees in bankruptcy and receivers or other fiduci-
32 aries.

33 2. The term "housing accommodation" includes any im-
34 proved or unimproved real property, or portion thereof, which
35 is used or occupied, or is intended, arranged or designed to be
36 used or occupied, as the home, residence or sleeping place of
37 one or more human beings, but shall not include any accommo-
38 dations operated by a religious, fraternal, or charitable asso-
39 ciation or corporation not organized or operated for private
40 profit; provided, that such accommodations are being used in
41 furtherance of the primary purpose or purposes for which the
42 association or corporation was formed.

43 3. The term "publicly assisted housing accommodation" in-
44 cludes any housing accommodation which is (a) built with
45 public funds or assistance; or (b) totally or partially exempt
46 from federal, state, or local taxes; or (c) financed in whole or
47 in part by a loan, repayment of which is guaranteed or insured
48 by the federal, state, or any local government or any agency
49 thereof. This subdivision is not intended as an exclusive defini-
50 tion of the term "publicly assisted housing accommodation".

51 4. The term "owner" includes the lessee, sublessee, assignee,
52 trustee, trustor, beneficiary, mortgagee, mortgagor, real estate

1 broker or salesman, or any person having any legal or equitable
2 right of ownership or possession or the right to rent or lease
3 housing accommodations, and includes the State and any of its
4 political subdivisions and any agency thereof.

5 5. The term "discriminate" includes to segregate or sepa-
6 rate.

7 **CHAPTER 3. DISCRIMINATION PROHIBITED**

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9 35720. It shall be unlawful:

10 1. For the owner of any housing accommodation, other than
11 a single-unit dwelling occupied in whole or in part by the
12 owner as his residence, to:

13 (a) Refuse to sell, rent or lease or otherwise to deny to or
14 withhold from any person or group of persons such housing
15 accommodation because of the race, color, religion, national
16 origin or ancestry of such person or persons.

17 (b) Discriminate against any person because of the race,
18 color, religion, national origin or ancestry of such person in
19 the terms conditions or privileges of any such housing accom-
20 modations or in the furnishing of facilities or services in con-
21 nection therewith.

22 (c) Make or to cause to be made any written or oral inquiry
23 concerning the race, color, religion, national origin or ancestry
24 of a person seeking to purchase, rent or lease any such housing
25 accommodation for the purpose of violating any of the provi-
26 sions of this section.

27 2. For the owner of any publicly assisted housing accommo-
28 dation, with knowledge of such assistance, to commit any of
29 the acts prohibited by subdivisions (a), (b) and (c) of sub-
30 division 1.

31 3. For any person, bank, mortgage company or other finan-
32 cial institution to whom application is made for financial
33 assistance for the purchase, organization, construction, reha-
34 bilitation, repair or maintenance of any housing accommoda-
35 tion, to make or cause to be made any written or oral inquiry
36 concerning the race, color, religion, national origin or ancestry
37 of a person or group of persons seeking such financial assist-
38 ance, or concerning the race, color, religion, national origin or
39 ancestry of prospective occupants or tenants of such housing
40 accommodation, or to discriminate against any person or group
41 of persons because of the race, color, religion, national origin
42 or ancestry of such person or persons, or of prospective occu-
43 pants or tenants, in the terms, conditions or privileges relating
44 to the obtaining or use of any such financial assistance.

45 4. For any person to aid, abet, incite, compel or coerce the
46 doing of any of the acts or practices declared unlawful in this
47 section, or to attempt to do so.

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49 **CHAPTER 4. ENFORCEMENT**

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51 35730. The State Fair Employment Practice Commission
52 created by Section 1414 of the Labor Code is empowered to

1 prevent violations of Section 35720. When it shall appear to it
2 that such a violation may have been committed, the chairman
3 of the commission shall designate one of the commissioners to
4 make, with the assistance of the commission's staff, prompt
5 investigation in connection therewith. If such commissioner
6 determines after such investigation that further action is war-
7anted, he shall immediately endeavor to eliminate the viola-
8 tion complained of by conference, conciliation and persuasion.
9 The member of the commission and its staff shall not disclose
10 what has transpired in the course of such endeavors.

11 Every member of the commission or its staff who discloses
12 information in violation of the requirements of this section is
13 guilty of a misdemeanor. Such disclosure by an employee sub-
14 ject to civil service shall be cause for disciplinary action under
15 the State Civil Service Act.

16 35731. Any person claiming to be aggrieved by an alleged
17 violation of Section 35720 may file with the commission a
18 verified complaint in writing which shall state the name and
19 address of the person alleged to have committed the violation
20 complained of, and which shall set forth the particulars thereof
21 and contain such other information as may be required by the
22 commission. The Attorney General may, in like manner, make,
23 sign, and file such complaint.

24 No complaint may be filed after the expiration of one year
25 from the date upon which the alleged violation occurred. This
26 period may be extended for not to exceed 90 days following
27 the expiration of that year, if a person allegedly aggrieved
28 by such violation first obtained knowledge of the facts of such
29 alleged violation after the expiration of one year from the
30 date of its occurrence.

31 The State Fair Employment Practice Commission may there-
32 upon proceed upon such complaint in the same manner and
33 with the same powers as provided in Part 4.5 (commencing
34 with Section 1410) of Division 2 of the Labor Code in the
35 case of an unlawful employment practice, and the provisions
36 of that part as to the powers, duties and rights of the State
37 Fair Employment Practice Commission, its chairman, mem-
38 bers, attorneys or agents, the complainant, the respondent,
39 the Attorney General and the superior court, shall apply to
40 any proceeding under the provisions of this section.

41 35731. The commission, at any time after a complaint is
42 filed with it, may bring an action in the superior court to
43 enjoin the owner or lessor of the property from taking further
44 action with respect to the rental, lease, or sale of the property
45 until the commission has completed its investigation and made
46 its determination. In such action an order or judgment may be
47 entered awarding such temporary restraining order or such
48 preliminary or final injunction as may be proper.

49 35732. Any person who shall willfully resist, prevent, im-
50 pede or interfere with any member of the commission or any
51 of its agents or agencies in the performance of duties pursuant
52 to this part, or who shall in any manner willfully violate an

1 order of the commission, shall be guilty of a misdemeanor, pun-
2 ishable by imprisonment in a county jail, not exceeding six (6)
3 months, or by a fine not exceeding five hundred dollars (\$500),
4 or both.

5 **CHAPTER 5. MISCELLANEOUS**

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7 35740. Nothing contained in this part shall be deemed to
8 repeal any of the provisions of any other law of this State
9 relating to discrimination because of race, color, religion,
10 national origin or ancestry.

11 35741. Nothing in this part shall be construed to affect the
12 title or other interest of a person who purchases, leases, or
13 takes an encumbrance on a housing accommodation in good
14 faith and without knowledge that the owner or lessor of the
15 property has violated any provision of this part.

16 35742. If, after investigation following the filing of a com-
17 plaint, the commission determines that there is probable cause
18 to believe that a violation of Section 35720 has occurred or is
19 about to occur, the commission shall file with the county re-
20 corder of the county in which the property is located notice
21 that it has taken jurisdiction of the complaint relating to the
22 renting, leasing, or purchasing of such property. The recorded
23 notice shall be notice to all persons of the existence of such
24 complaint alleging a violation of Section 35720 in respect to the
25 property.

26 SEC. 3. Section 1419.5 is added to the Labor Code, to read:

27 1419.5. The commission is empowered to prevent discrimination in housing as provided in Part 5 (commencing with
28 Section 35700) of Division 24 of the Health and Safety Code.

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30 SEC. 4. If any provision of this act or the application
31 thereof to any person or circumstances is held invalid, such
32 invalidity shall not affect other provisions or applications of
33 the act which can be given effect without the invalid provision
34 or application, and to this end the provisions of this act are
35 severable.

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